

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RYAN CORBRIDGE,

Plaintiff,

v.

ENCOMPASS INDEMNITY COMPANY,

Defendant.

Case No. 3:23-cv-00262-JR

**ORDER ADOPTING THE FINDINGS
AND RECOMMENDATION**

Clayton Huntley Morrison, The Law Office of Clayton H. Morrison LLC, 8625 SW Cascade Avenue, Suite 605, Beaverton, OR 97008. Attorney for Plaintiff.

Eliot M. Harris, Williams Kastner, 601 Union Street, Suite 4100, Seattle, WA 98101; John Jackson Brannon, III, Williams Kastner, 1515 SW Fifth Avenue, Suite 600 Portland, OR 97201. Attorneys for Defendant.

IMMERGUT, District Judge.

On September 19, 2023, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R”), ECF 39, recommending that Plaintiff Ryan Corbridge’s Motion for Leave to File an Amended Complaint, ECF 21, be granted, and Defendant Encompass Indemnity Company’s Motion to Dismiss for Failure to State a Claim, ECF 22, be denied. Defendant timely filed objections, ECF 41, to which Plaintiff timely responded, ECF 42. This Court has reviewed

de novo the portions of the F&R to which Defendant objected. This Court ADOPTS Judge Russo's F&R.

STANDARDS

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*," whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

This Court has reviewed de novo the portions of Judge Russo's F&R to which Defendant objected. Judge Russo's F&R, ECF 39, is adopted in full. This Court GRANTS Plaintiff's Motion for Leave to File an Amended Complaint, ECF 21, and DENIES Defendant's Motion to Dismiss for Failure to State a Claim, ECF 22.

IT IS SO ORDERED.

DATED this 19th day of December, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge